

**Draft Minutes Detroit Board of Police Commissioners  
Date of Meeting: Thursday, July 30, 2020 – 3:00 PM  
Location: Zoom Virtual Meeting Platform**

**BOPC Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 PM (July 30, 2020)**

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton (3:38 p.m.)	Yes	
Lisa Carter	Yes	
William M. Davis	Yes	
Evette Griffie (3:46 p.m.)	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	11	

**The Board acting in accordance with its rules approved the Agenda for Thursday, July 30, 2020.**

**Chairperson Bell** called the meeting to order and invited Chaplain Douglas Nanny to provide the invocation.

**INVOCATION: Chaplain Douglas Nanny**

**I. MOTION: To approve the Agenda.**

**Motion:** Commissioner Holley      **Second:** Vice-Chairperson Holt      **Discussion:** None.

**Yes:** Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Carter, Commissioner Davis, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

**No:** None.

**VOTE:**                      Yes = 9                      No = 0                      **Motion: PASSED**

**II. MOTION: To approve the July 23, 2020, Meeting Minutes with necessary corrections.**

**Motion:** Vice-Chairperson Holt      **Second:** Commissioner Holley      **Discussion:** **Commissioner Davis** raised concerns regarding Commissioner Carter's attendance status last week. Interim Board Secretary White clarified that Commissioner Carter submitted advanced notices regarding delayed report time and request for excusal due to work commitments and obligations.

**Yes:** Chairperson Bell, Vice-Chairperson Holt, Commissioner Burch, Commissioner Carter, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

**No:** Commissioner Davis

Abstain: Commissioner Brown

**VOTE:**                      Yes = 7                      No = 1                      Abstain = 1                      **Motion: PASSED**

The Board considered the following Business Items:

- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

**Chairperson's Report:** **Chairperson Bell** discussed the following during the Chairperson's Report: The importance and impact of advanced technology, cameras, and the human factor involved in policing; the Board's role involving the Department's Facial

Recognition Technology Program; updates regarding the Board’s authority to pursue independent legal counsel based on Charter Mandates and Collective Bargaining Agreement; and the Board’s support of the Department to engage with federal partners to reduce or eliminate violent criminal activity within the City of Detroit.

Resolution: **Vice-Chairperson Holt** read the resolution honoring Retiring Corporal Howard W. Sweeney.

**RESOLUTION HONORING RETIRING**

**CORPORAL HOWARD W. SWEENEY**

**WHEREAS** Howard W. Sweeney was appointed to the Detroit Police Department on July 31, 2000. Upon graduating from the Detroit Metropolitan Police Academy, Police Officer Sweeney began his career at the Twelfth Precinct Patrol Operations Section POS; and

**WHEREAS** He dutifully served the Twelfth Precinct POS, Narcotics Enforcement, Special Response Team, Eastern District, Gang Enforcement, Narcotics, and Training. Police Officer Sweeney displayed tremendous diligence and aptitude in his assignments. On October 18, 2018, he was promoted to the rank of Corporal and continued to serve at Training until his retirement; and

**WHEREAS** During his law enforcement career, Corporal Sweeney was the deserving recipient of a Chief Merit Award, Perfect Attendance Award, Nine Silver Cluster Citations, Consent Judgment Award, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, the Super Bowl XL Recognition Award, commendations from supervisors, and numerous letters of appreciation from citizenry; and

**WHEREAS** Corporal Sweeney has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 20 years. His professionalism, commitment to public service, integrity, and dedication have been a credit to the Detroit Police Department. He is highly respected as a consummate professional.

**NOW, THEREFORE, BE IT RESOLVED**

That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, awards this resolution in recognition of Corporal Sweeney’s 20 years of dedicated and diligent public service. His professionalism, integrity, and lifelong commitment to the city of Detroit and its citizens merit our highest regards.

We thank and congratulate you, Corporal Howard W. Sweeney.

**Commissioner Davis** moved to adopt the resolution of Retiring Corporal Howard W. Sweeney. **Vice-Chairperson Holt** seconded. Discussion. None.

**III. VOTE: Yes = 9 No = 0 Motion: PASSED**

**Chief of Police Report: Chief of Police’s Summary of CompStat Data and other Crime Information/DPD Information:**

**First Assistant Chief Lashinda Stair representing Chief of Police James E. Craig** reported on the following items: Officers Injured in the Line of Duty; (3) Officer-Involved Shootings (noting that handguns were seized in each incident and no injuries were sustained by officers); Comp Stat Crime and Statistical Data for the reporting period; COVID-19 impacts, and recent critical incidents impacting the Detroit Police Department and the community. See attached Meeting Transcripts for more information.

		<b>Comp Stat Data Provided: (See Full Report in Packet) as of July 30, 2020</b>					
<b>Part I Violent Crimes:</b>	<b>Criminal Homicides:</b>	<b>Sexual Assaults:</b>	<b>Aggravated Assaults</b>	<b>Non-Fatal Shootings:</b>	<b>Robbery:</b>	<b>Carjacking:</b>	<b>Total:</b>
<b>Totals:</b>	+28%	-32%	+15%	+50%	-13%	-3%	7% Increase in Part I

							Violent Crimes
<b>Property I Crimes:</b>	<b>Burglaries:</b>	<b>Larcenies</b>	<b>Motor Vehicle Thefts</b>				
<b>Totals:</b>	-30%	-20%	-9%				-19% Decrease in Part I Property Crime

First Assistant Chief Stair also discussed the Recruiting Unit’s new campaign, “More than the Badge,” where Department members are being interviewed on the Facebook Live by the community to share better insight to the Department’s recruitment efforts. The Department has the goal of hiring more Detroiters. Regarding recent recruitment data, (32) recruits recently started the police academy, and (31) will graduate from the police academy on August 21, 2020.

**Gun Violence Stats:** From June 22-July 19, 2020, the Department seized 537 illegal firearms; 523 handguns; 14 long guns. In (4) weeks, the Department made 473 CCW arrests. **Drifter Stats:** The Department conducted a City-Wide Drifter Drag-Racing Detail on July 18-19, 2020, and July 25-26, 2020, which resulted in the following: 313 traffic stops were conducted; 430 tickets issued; 92 vehicles towed; 28 felony arrests; 18 CCW arrests; 1 arrest regarding attempted murder; 5 felony warrants; 4 possession of stolen motor vehicles; 1 Misdemeanor Arrest for OWI; and 18 weapons were recovered. **Mobilization Statistics:** The Department is anticipating updates from the Department of Innovation and Technology during the second week in August regarding the time length of officers’ response to the mobilization test who reside outside of the City to respond to work. **Commissioner Burch** inquired about drag racing, criminal activity, and drug activity within District 3, and also requested a follow up regarding neighborhood quality of life concerns. **Assistant Chief James E. White** shared updates and discussed the quality of life matter, reporting that the address was placed on special attention. **Commissioner Davis** asked whether the Department would receive federal funds to assist in hiring (15) fifteen officers. **First Assistant Chief Stair** reported that through a grant, the Department was planning to hire additional officers through the Relentless Pursuit Program. However, the intent is not to place brand new officers in the latter program based on the lack of specialized training. **Commissioner Davis** also inquired about the status of the Police SUV incident investigation that occurred during one of the police protests. **Commissioner Holley** asked about the Department’s efforts to continually reform the Police Academy Training. **First Assistant Chief Stair** discussed the Department’s efforts toward police reform based on the previous long-standing consent judgment and the Department’s best practices.

**Assistant Chief James E. White** shared updates on two (2) items raised during last week’s Board Meeting regarding Honor Guard transportation and a police response time regarding a recent incident. **Commander Melissa Gardner, Communications Operations,** reported on the complaint regarding response time, noting that an investigation was conducted. In response to the Department’s response time in this matter, a patrol unit responded to the location within (9) minutes of the request for service receiving updates to a Priority One Call based on additional information received from the caller at a later time. Additionally, within 21 minutes of receiving the dispatch call for service, a police unit responded to the scene. **Deputy Chief Bettison** provided a response regarding the Department providing a separate van for the Honor Guard’s transportation, noting concerns regarding personnel being within one vehicle during the public health crisis. **Deputy Chief Bettison** also discussed safety measures the Department is planning to implement to ensure the health and safety of members. **Commissioner Burch** inquired about noise ordinances and enforcement measures. **Commissioner Brown** thanked Assistant Chief White and Deputy Chief Bettison for their work regarding the Honor Guard issue, commendations to the Eighth Precinct Commander Patterson, NPOS, and members for the work with the Greenhouse Senior Citizens March, and during the recent protests.

**DPD Use of Force Policy Presentation - Assistant Chief James E. White, Administrative Operations: Assistant Chief White and Executive Manager Reid Branche-Wilson** reported on the Department’s response to the Board’s Use of Force Policy Recommendations, highlighting the following: Department’s Use of Force High Level Timeline; the Use of Force Policy Provisions Added to the Directive; Additional Changes to the Department’s Use of Force Directive; Policy Updates Where No Changes Were Made / Changes Incorporated within Other Policy Directives; Recommendations that Require More Analysis; and Next Steps. See DPD’s PowerPoint Presentation available on the Board’s website for further details.

**Use of Force Policy Updates – Added**

1. Section on de-escalation
2. General Prohibition of chokeholds
3. General Prohibition to Shooting at a moving car

4. Consideration for Special Populations (i.e. considerations of mental illness, juveniles, physical disabilities)
5. Duty to Intervene

#### **Additional Changes**

1. Consideration for Members to request a Supervisor to the scene before escalating to force beyond officer presence and verbal direction regarding subject offering inactive resistance
2. Added Strict Prohibition Against Shooting from a moving vehicle

#### **Changes Captured Within Other Policy Directives**

1. When to report use of force incidents, based on inclusion within 201.11 Use of Force Reporting
2. Use of Force Database and the Early Intervention System, based on inclusion in the Department's Management Awareness System
3. Retaliation Prohibition based on current inclusion within the Department's Use of Force Policy 304.2.

#### **Recommendations that Require More Analysis**

1. Reporting to BOPC and State Use of Force Data collection (The department will reinstitute a modernized version of the previously submitted Quarterly Report that was submitted during the Consent Decree)

**Commissioner Griffie** commended the Department on their partnership and cooperation with the Board regarding the Use of Force policy recommendations and confirmed the importance of a Quarterly Use of Force Report to monitor the Department's use of force. **Commissioner Griffie** also discussed the following: General Prohibition on Chokehold; Shooting at a Moving Vehicle; Special Populations (i.e. considerations for the disabled, pregnant, mental challenges, special considerations); and Duty to Intervene. **Commissioner Davis** inquired about the Duty to Intervene and whether it also extends to officers who are a part of a joint task force initiative and whether officers shall intervene when they observe another law enforcement officer engaging in an unauthorized, excessive use of force. **Assistant Chief White** reemphasized Department members' duty to intervene any time they observe a member or non-member engaging in unauthorized use of force. **Vice-Chairperson Holt** discussed the status update of Senate Bill 0945 and noted that the bill deriving from the National Black Caucus is attempting to address maintaining a national database relating to the use of force. **Vice-Chairperson Holt** also thanked the Department for its partnership and cooperation. **Commissioner Burton** requested feedback on the following: a copy of the Memorandum of Understanding (MOU) relating to the federal officers engaged in the Joint Task Force; police response time; video pertaining to the chokehold incident and protesters during one of the recent protests.

#### **PRESENTATION(S) TO THE BOARD: A. Corporation Counsel Lawrence Garcia, City of Detroit Law Department PowerPoint**

**Presentations Available Online**

#### **B. Office of the Chief Investigator – Interim Chief Investigator Lawrence Akbar PowerPoint Presentations Available Online**

- A. Chairperson Bell** commended the City Law Department's preparation and representation of the Board regarding Arbitration Appeal of Sergeant Dwayne Jones where Attorney June Adams, Chief of Staff, First Chair Attorney of Arbitration, and Attorney Lakena Crespo, Second Chair Attorney of Arbitration, represented the City Law Department. **Corporation Counsel Garcia** provided an overall summary of the City Law Department's trends and patterns regarding police lawsuits and settlements. Corporation Counsel Garcia also discussed the ways in which lawsuits are brought against the Department or its members: unlawful search and arrest, unlawful search warrants obtained, excessive force, destruction of property, shooting of dogs during raids or search warrant executions, which are civil rights violations, car accidents, and wrongful incarceration cases. Michigan has created a statute that permits wrongful incarceration cases to be filed. **Corporation Counsel Garcia** also discussed the following:

- ***Distribution of Percent of Cases per Department since 1 / 1 / 2015*** where the Department of Transportation encompassed 55% of the lawsuits paid, # 1 defendant in legal claims, and the Police Department comprised 18% of the lawsuits, #2 defendant in legal claims;
- ***Lawsuits filed from DPD Incidents Occurring between 2015-2020*** (i.e. illustrating how many claims were filed for each year and itemizing the lawsuits filed within the last (9) months and older lawsuits filed before October 2019; the data illustrates a downward trend of the number of claims filed per incident proceeding forward; general statute of limitations to file police civil claims is 2 years; The report also highlighted the highest paid settlement in 2019, \$8.25 multimillion dollar settlement paid regarding Ms. Ayanna Stanley Jones's case.
- ***The amount that has been paid out over the last 5 ½ years***, (itemizing the year in which the money was paid, the incident year in which the incident gave rise to the payment occurred, noting the vast majority of payments

made in the last (5) years are from incidents that occurred prior to 2015; the amount paid out over the last 5 ½ years averages, \$3.8 million dollars against \$16-17 Million dollars total average payouts per year;

- DPD Payouts before and since 2015, including \$20 Million prior to 2015, and \$7 Million after 2015; and
- DPD Payouts by Year.

**Commissioner Davis** inquired about whether the City self-insures based on settlements, lawsuits, and payouts. **Commissioner Davis** also inquired about whether it was easier for the City Council to pursue outside independent legal counsel versus other City agencies. **Commissioner Burch** asked about the evaluation criteria used to determine the amount of settlement payments regarding wrongful arrest cases, specifically citing those that recently occurred involving the use of Facial Recognition Technology Program.

- B. Office of the Chief Investigator – Interim Chief Investigator Lawrence Akbar** reported on the following: OCI's Charter-mandated authority to investigate non-criminal citizen complaints; updates regarding OCI Investigative Staff; OCI Garrity Zoom Protocol amid COVID-19; status updates of the complaint filed by the ACLU on behalf of Mr. Robert Williams; major incidents that occurred during recent police protests and the status of transfers / investigations; and the OCI Case Statistics during the public health crisis. **Commissioner Davis** inquired about the full OCI Packet and the number of cases the OCI has closed during the public health crisis period.

**Report from Interim Board Secretary/Communications Submitted to BOPC as Incoming Information:** Ms. White reported on the following items:

1. DPD Facial Recognition Report
2. OCI Citizen Complaint Report
3. DPD Use of Force Policy Presentation and relevant Policy Directives
4. NACOLE 26<sup>th</sup> Annual Conference Webinars Staff Summaries
5. City of Detroit Law Department Presentation

**Unfinished Business:**

**IV. MOTION: To End the Department's Use of the Facial Recognition Technology Program**

**Motion:** Commissioner Burton      **Second:** Commissioner Davis      **Discussion:** Chairperson Bell ruled the motion out of order. **Commissioner Burton** expressed his disagreement requesting the Board's Attorney to weigh in on the matter. **Chairperson Bell** ruled the request out of order and emphasized the Chairperson's Ruling based on the Board's position regarding the Facial Recognition Technology Program.

**New Business.**

**Announcements:** Chairperson Bell announced the following:

- A. Next Meeting:** Thursday, August 6, 2020, at 3:00 p.m., BOPC Virtual Meeting
- B. Next Community Meeting:** Thursday, August 13, 2020, at 3:00 p.m., BOPC Virtual Meeting

**Oral Communications/Public Comments.**

**Adjournment:**

**Chairperson Bell** recognized Vice-Chairperson Holt. **Vice-Chairperson Holt** moved for adjournment.

**Motion:** Vice-Chairperson Holt      **Second:** Commissioner Burch      Discussion. None.

**VOTE:**                      Yes = 10                      No = 0                      **Motion: PASSED**

**Chairperson Bell adjourned the meeting at 5:26 p.m.**